

Notice of Review: Land to South West of Mosshouses, Penicuik

Determination Report

Report by Head of Planning and Development

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to determine the 'Notice of Review' regarding an application for planning permission in principle for the erection of a dwellinghouse at land to south west of Mosshouses, Penicuik.

2 Background

- 2.2 Planning application 12/00654/PPP for the application for planning permission in principle for the erection of a dwellinghouse was refused on 30 November 2012. At its meeting on 23 April 2013 the LRB agreed to carry out an unaccompanied site visit on the 3 June 2013 and to determine the review by way of written submissions. The following documents were attached to the report to the LRB meeting of the 23 April 2013:

- A site location plan;
- A copy of the notice of review form;
- A copy of the case officer's report;
- A copy of the policies stated in the case officer's report; and
- A copy of the decision notice issued on 30 November 2012.

- 2.3 The review has progressed through the following stages:

- 1 Submission of Notice of Review by the applicant.
- 2 The Registration and Acknowledgement of the Notice of Review.
- 3 Carrying out Notification and Consultation.
- 4 The first meeting of the LRB in connection with the review to decide the determination process on 23 April 2013.
- 5 The LRB Requesting Additional Information.
- 6 The LRB carried out a Site Visit on 3 June 2013 (the site visit was scheduled at the time of drafting this report).

- 2.4 The case officer's report identified that there are two representations and one consultation responses. As part of the review process these interested parties were notified of the review. No additional comments have been received.

3 Procedures (Next Stage)

3.1 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:

- Identify any provisions of the development plan which are relevant to the decision;
- Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- Consider whether or not the proposal accords with the development plan;
- Identify and consider relevant material considerations for and against the proposal;
- Assess whether these considerations warrant a departure from the development plan; and
- State the reason/s for the decision and state any conditions required if planning permission is granted.

In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.

3.2 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.

3.3 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

4 Conditions

4.1 In accordance with the procedures agreed by the LRB at its meeting of 19 June 2012, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting including trees, shrubs, hedging and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;

- vi programme for completion and subsequent maintenance of all soft and hard landscaping; and
- vii drainage details and sustainable urban drainage systems to manage water runoff.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

2. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until an application for approval of matters specified in conditions for the site access, internal roads, footpaths, car parking and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii proposed vehicular and pedestrian access;
- iii proposed internal roads/driveways (including turning facilities) and footpaths;
- vi proposed visibility splays, traffic calming measures, lighting and signage; and
- v a programme for completion for the construction of access, roads, footpaths and car parking.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

4. The dwellinghouse hereby approved shall be occupied solely by a person or persons employed or last employed in managing the onsite equestrian business approved under planning permission 12/00218/DPP, together with the dependants of such persons residing with him or her or by the widow or widower of such person or persons.

Reason: *The supervision of the animals within the site was part of the justification for approval of the development.*

5 Recommendations

- 5.1 It is recommended that the LRB:
 - a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

24 May 2013

Report Contact:
Peter Arnsdorf, Development Management Manager
Peter.arnsdorf@midlothian.gov.uk
Tel No: 0131 271 3310

Background Papers: Planning application 12/00654/PPP available for inspection online.